

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LESLIE ALLEN DAVIS,)	
Plaintiff,)	
)	
v.)	No. 3:08-CV-720-B
)	ECF
CITY OF DALLAS,)	
Defendant.)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of Title 28, United States Code, Section 636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions and Recommendation of the United States Magistrate Judge follow:

FINDINGS AND CONCLUSIONS

I. NATURE OF THE CASE

Plaintiff filed an unspecified civil action. She is proceeding *pro se* and the Court has granted her leave to proceed *in forma pauperis*.

II. FACTUAL BACKGROUND

Plaintiff filed this complaint alleging she was “denied access to the government.” On May 1, 2008, the Clerk’s Office called Plaintiff because the address on her filings was unclear. The Clerk’s Office left a voice-mail message requesting that Plaintiff call the Court. The Clerk’s Office received no phone call from Plaintiff. On May 23, 2008, the Court denied Plaintiff’s motion to appoint counsel and granted Plaintiff’s motion to proceed *in forma pauperis*. On June 5, 2008, these orders were returned to the Court as undeliverable. Plaintiff has failed to provide

the Court with any alternative address.


III. DISCUSSION

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). “This authority [under Rule 41(b)] flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626 (1962)). Plaintiff has failed to provide the Court with a proper address. The Court is therefore unable to contact Plaintiff. Accordingly, this complaint should be dismissed for want of prosecution.

RECOMMENDATION

For the foregoing reasons, the Court recommends that the District Court dismiss Plaintiff’s complaint without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

Signed this 23rd day of June, 2008.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on Plaintiff. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).